

10/723,326

MS302989.01/MSFTP497US

**REMARKS**

Claims 1-36 are currently pending in the subject application and are currently under consideration. A version of these claims is on pages 4-9 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Specification**

The specification has been scrutinized and any errors of which applicants' representative has become aware of have been corrected as shown in the amendments to the specification.

**II. Rejection of Claims 1-36 Under 35 U.S.C. §103(a)**

Claims 1-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Christiano (US 5,671,412) in view of Beck *et al.* (US 6,381,640). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Christiano and Beck *et al.*, individually or in combination, do not teach or suggest each and every element as set forth in the subject claims.

To reject claims in an application under §103, an examiner must show an un rebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed invention relates to a license enforcement system and methodology. The system comprises a monitoring component for monitoring use of licensed software applications and detecting variations from their respective licensing agreements in real-time. The system also comprises an enforcement component for initiating corrective actions to force

10/723,326

MS302989.01/MSFTP497US

users to comply with licensing agreements or deny the user access to the licensed software. More particularly, independent claims 1, 10, 18, 27 and 33 recite similar limitations, namely: a system and method for adding or transferring licenses to a computer system, comprising: *a wizard component; and a license database interface component that communicates with a license database, wherein the wizard component provides a graphical user interface to facilitate communication between a license store and a license database.* Christiano and Beck *et al.*, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Christiano discloses a software license management system. A license server provides packages and program licenses and allows several license modifiers to be stored in license records to provide a licensor with a variety of options and flexibility. A server address finder and diagnostic function mitigate common license server network problems. (See col. 3, lines 12-20). The license server provides licenses from the license data base to client computer systems to allow the client computer systems to use licensed software products. A request is received from a client by the server. A license is granted to the client when the client is allowed to receive the license according to a license policy. The license allows the client to use the requested software product. (See col. 4, lines 12-34). At Page 2 of the Office Action (dated September 14, 2005), the Examiner acknowledges that Christiano fails to disclose a wizard and a graphical interface for communication between a license store and a license database, as disclosed in the subject claims.

Beck *et al.* does not make up for the aforementioned deficiencies of Christiano with respect to independent claims 1, 10, 18, 27 and 33 (which claims 2-9, 11-17, 19-26, 28-32 and 34-36 respectively depend there from). Beck *et al.* discloses a system for structuring workload for agents, a multimedia communication center (MMCC). The system comprises an outward-facing communication interface for accepting communications from clients; an inward-facing interface for communicating with agents, including log-on procedures for agents; and an operating system (OS) for managing operations of the MMCC. The OS, upon agent log-on, activates an agent-specific software model that checks agent parameters, enterprise rules, and work-in-progress, and prepares work assignments for the agents. (See col. 5, lines 21-32). Further, an agent work presentation software model (AWPM) is provided, comprising an identification function to an agent or agent group; a programming interface for a supervisor to

10/723,326MS302989.01/MSFTP497US

enter operating parameters; an automatic interface to one or more OS data repositories; a display module; and a log-in start module. An authorized supervisor enters an agent or agents for the identification function, and parameters controlling the presentation of workload to a listed agent, the AWPM launches automatically for identified agents at log-in, checks data repositories for agent parameters and work to be done, and presents work to the agent via a display at a Personal Computer/video display unit at an agent station assigned to the agent logging-in. (See col. 5, lines 43-59).

As stated above, teachings of references can be combined *only* if there is some suggestion or incentive to do so. Here, neither the nature of the problem to be solved, the teachings in the cited art, nor the knowledge of persons of ordinary skill provide sufficient suggestion or motivation to combine the references. Instead, the Examiner relies on improper hindsight in reaching his obviousness determination. Christiano and Beck *et al.* cannot be combined to make the present invention obvious because there is not proper suggestion or motivation to combine the references' teachings to create the subject matter of independent claims 1, 10, 18, 27 and 33. Christiano is directed to a license management system for software applications; while Beck *et al.* is directed to a system for structuring workload for agents. Accordingly, neither Christiano nor Beck *et al.* provide any motivation to modify the license management system of Christiano as suggested in the present Office Action. Thus, the contention that the modification of the license management system to include a wizard and graphical interface for communicating in accordance with a license database would have been obvious in view of the teachings of Christiano and Beck *et al.* constitutes nothing more than hindsight speculation.

In view of the aforementioned deficiencies of Christiano and Beck *et al.*, and because the requisite teaching or suggestion to combine the elements in the manner suggested is absent from the cited references, it is respectfully submitted that this rejection be withdrawn with respect to independent claims 1, 10, 18, 27 and 33 (which claims 2-9, 11-17, 19-26, 28-32 and 34-36 depend respectively there from).

10/723,326MS302989.01/MSFTP497USCONCLUSION

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP497US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731